

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R7-2008-0018  
MANDATORY MINIMUM PENALTY  
IN THE MATTER OF  
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION;  
CENTINELA STATE PRISON WASTEWATER TREATMENT PLANT;  
IMPERIAL - IMPERIAL COUNTY

This Complaint is issued to California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283, and Centinela State Prison based on a finding of violations of Waste Discharge Requirements (WDRs) Order No. R7-2003-0096 (NPDES Permit No. CA7000001) pursuant to California Water Code (CWC) Section 13385, authorizing the imposition of this Administrative Civil Liability (ACL); CWC Section 13323, which authorizes the Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Regional Board) to issue this Complaint; and CWC Section 7, which authorizes the Executive Officer to delegate these powers and duties to the Assistant Executive Officer.

The Assistant Executive Officer of the Regional Board finds the following:

1. The California Department of Corrections and Rehabilitation (hereinafter, referred to as Discharger) owns and operates the Centinela State Prison Wastewater Treatment Plant (WWTP), which services the Centinela State Prison. The Discharger's WWTP, located at 2302 Brown Road, Imperial, CA 92251, is purportedly designed to treat 0.73 million gallons per day (MGD).
2. The WWTP consists of headworks, four (4) aerated ponds operated in series, and chlorination and dechlorination facilities. Raw sewage flows by gravity through the collection system to the influent wet well where it is then raised 19-feet by 36-inch diameter screw pumps to the treatment facility. The wastewater then passes through a mechanical bar screen and a comminutor before entering the aerated lagoon system. The ponds are lined with 45-mil hypalon on the sides and compacted clay on the bottom. Downstream of the last treatment pond, wastewater enters a chlorination/dechlorination system. The wastewater is disinfected with chlorine gas and then dechlorinated with sulfur dioxide prior to discharge to the Dixie Drain 1-C via an outfall pipe.
3. On June 25, 2003, the Regional Board adopted WDR Order No. R7-2003-0096 (NPDES Permit No. CA7000001) for the Discharger in order to regulate discharges of treated wastewater from the WWTP into the Dixie Drain 1-C. The Discharger's WWTP discharges its effluent through Outfall 001 to the Dixie Drain 1-C; Dixie Drain 1-C conveys the effluent to the New River, which in turn ultimately discharges into the Salton Sea. The Dixie Drain 1-C, New River, and Salton Sea are waters of the United States.
4. CWC Section 13323(b) provides that the Regional Board shall conduct a hearing within 90 days after issuance of an ACL Complaint. It provides further that the party served with the ACL Complaint may waive the right to a hearing.

5. CWC Section 13385(i)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in a six-month period:
- a. Violates a waste discharge requirement effluent limitation;
  - b. Fails to file a report pursuant to Section 13260;
  - c. Files an incomplete report pursuant to Section 13260; or
  - d. Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant specific effluent limitations for toxic pollutants.
6. CWC Section 13385(i)(2) states the following:

"For the purpose of this section [13385], a 'period of six consecutive months' means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date."

7. WDRs Board Order No. R7-2003-0096 includes the following effluent discharge limitations for the 5-day biological oxygen demand (BOD<sub>5</sub>), E. coli, and effluent flow:

"[Effluent Limitation A.1] Representative samples of wastewater discharged to the Dixie Drain 1-C from the treatment systems shall not contain constituents in excess of the limits indicated below. Each treatment system discharging to the Dixie Drain 1-C shall be monitored separately at locations which are acceptable by the Regional Board's Executive Officer or his designee:"

Constituent	Unit	30-Day Arithmetic Mean Discharge Rate <sup>1</sup>	7-Day Arithmetic Mean Discharge Rate <sup>2</sup>
20° C BOD <sub>5</sub> <sup>3</sup>	lb/day <sup>4</sup>	274 <sup>5</sup>	396

<sup>1</sup> 30-Day Mean - Arithmetic average of all samples collected during the calendar month

<sup>2</sup> 7-Day Mean - Arithmetic average of all samples collected during a calendar week (Sunday through Saturday)

<sup>3</sup> BOD<sub>5</sub> - Biochemical Oxygen Demand

<sup>4</sup> lb/day - pounds per day

<sup>5</sup> Based on a design treatment capacity of 0.73 MGD

"[Effluent Limitation A.4] Wastewater effluent discharged to the Dixie Drain 1-C shall not have a geometric mean *Escherichia coli* (E. coli) concentration in excess of 126 Most Probable Number (MPN) per 100 milliliters (based on a minimum of not less than five (5) samples for any 30-day period) nor shall any sample exceed 400 MPN per 100 milliliters. The compliance point for this effluent limitation shall be at a location acceptable to the Regional Board's Executive Officer or his designee."

"[Specification D.3] The permitted 30-day monthly average daily dry weather discharge flow shall not exceed 0.73 MGD."

8. Provision E.5 of WDRs Board Order No. R7-2003-0096 states the following:

"The discharger shall comply with Monitoring and Reporting Program No. R7-2003-0096, and future revisions thereto, as specified by the Regional Board's Executive Officer."

9. Monitoring and Reporting Program No. R7-2003-0096 includes, in relevant part, the following effluent monitoring requirements for E. coli:

"[Effluent Monitoring] Wastewater discharged from the facility shall be monitored where representative samples of the effluent can be obtained. Wastewater discharged into the receiving water shall be monitored for the following constituents:"

Constituent	Unit	Type of Sample	Sampling Frequency	Reporting Frequency
Escherichia coli (E. Coli)	MPN/100 ml	Grab	Five Samples per Month <sup>6</sup>	Monthly

<sup>6</sup>Five samples equally spaced over a 30-day period with a minimum of one sample per week

10. Monitoring reports submitted by the Discharger show that the wastewater discharged from the Discharger's WWTP was in chronic violation of its WDRs effluent limitations for exceeding the flow limits, cited in Finding No. 7 above, from July 2003 until April 2007 when it installed flush control devices in each prison cell. The WWTP has also had periodic problems with chronic and acute toxicity.
11. On September 6, 2005, the Regional Board sent a Notice of Noncompliance letter to the Discharger, affirming the violation of the Monitoring and Reporting Requirements set forth in Board Order No. R7-2003-0096. The Notice of Noncompliance stated in relevant part the following:
- "Centinela State Prison failed to comply with the monitoring and reporting requirements established in the Monitoring and Reporting Program of Board Order R7-2003-0096. The facility failed to collect a minimum of five effluent E. coli samples during the July 2005 monitoring and reporting period, only four effluent E. coli samples were collected."
12. A summary of each violation of Board Order No. R7-2003-0096 is contained in Attachment A, which is incorporated in and made a part of this ACL Complaint by reference.
13. The reporting violation cited in Finding No. 11 above is not subject to a MMP and will therefore not be included in Attachment A; however, the maximum liability available to the Regional Board per CWC 13385(c) for a violation of the Monitoring and Reporting Requirements is \$10,000.
14. The total amount of the MMP for the violations cited in Attachment A is \$78,000.
15. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

**THE DISCHARGER IS HEREBY GIVEN NOTICE OF THE FOLLOWING:**

1. The Assistant Executive Officer of the Regional Board proposes that the Discharger be assessed an ACL (MMP) in the amount of \$78,000.
2. The Regional Board will hold a public hearing on this matter within 90 days of the date of this ACL Complaint, unless the Discharger waives the right to a hearing and pays the proposed civil liability of \$78,000 in full.
3. If the Discharger chooses to waive the right to a hearing, an authorized representative must sign the enclosed Waiver and return it along with the bottom portion of the ACL Complaint Invoice form and a check for the full amount of the proposed liability, made and payable to the "State Water Pollution Cleanup and Abatement Account" within thirty (30) days of the date of this Complaint. Payment will be deemed settlement of this Complaint, but the settlement shall not become final until 30 days from the date of the Public Notice No. 7-08-05 to allow interested persons to comment on this action. The waiver and payment must be mailed to:

California Regional Water Quality Control Board  
Colorado River Basin Region  
Attn.: Hilda Vasquez  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

4. If a hearing on this matter is held, the Regional Board will consider whether to affirm, reject, or modify the ACL, including the MMP, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

\_\_\_\_\_  
JOSE ANGEL, Assistant Executive Officer

\_\_\_\_\_  
Date

# ATTACHMENT A

Administrative Civil Liability Complaint No. R7-2008-0018

## Summary of Violations of Board Order No. R7-2003-0096 Mandatory Minimum Penalties

Assessed Violation No. <sup>1</sup>	Date Occurred	Description of Violation	Amount Assessed Dollars (\$)
241460	07/31/03	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.754 MGD	0 <sup>2</sup>
755496	08/31/03	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.770 MGD	0 <sup>2</sup>
755495	09/30/03	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.778 MGD	0 <sup>2</sup>
755494	10/31/03	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.762 MGD	3,000
755493	11/30/03	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.769 MGD	3,000
755490	12/31/03	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.740 MGD	3,000
755309	02/29/04	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.745 MGD	3,000
755307	03/31/04	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.770 MGD	3,000
755306	04/30/04	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.759 MGD	3,000
755305	05/31/04	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.767 MGD	3,000
365134	10/31/05	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.743 MGD	0 <sup>2</sup>
364971	11/30/05	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.741 MGD	0 <sup>2</sup>
407442	03/31/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.889 MGD	0 <sup>2</sup>

<sup>1</sup> Data Source: California Integrated Water Quality System (CIWQS)

<sup>2</sup> Supporting Violation

**ATTACHMENT A (Continued)**

Administrative Civil Liability Complaint No. R7-2008-0018

Summary of Violations of Board Order No. R7-2003-0096 Mandatory Minimum Penalties

407441	04/30/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.890 MGD	3,000
427552	05/31/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.886 MGD	3,000
419845	06/30/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.869 MGD	3,000
427264	7/31/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.945 MGD	3,000
433094	8/31/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.934 MGD	3,000
437939	09/30/06	Exceeded Average Monthly Effluent Limit of 274 lbs/day for BOD <sub>5</sub> Reported value = 295 lbs/day	3,000
437940	09/30/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.991 MGD	3,000
443351	10/31/06	Exceeded Average Monthly Effluent Limit of 274 lbs/day for BOD <sub>5</sub> Reported value = 281 lbs/day	3,000
443352	10/31/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.962 MGD	3,000
446334	11/30/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 1.046 MGD	3,000
450031	12/31/06	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 1.090 MGD	3,000
450032	12/31/06	Exceeded Average Monthly Effluent Limit of 274 lbs/day for BOD <sub>5</sub> Reported value = 309 lbs/day	3,000
473108	01/31/07	Exceeded Average Monthly Effluent Limit of 274 lbs/day for BOD <sub>5</sub> Reported value = 298 lbs/day	3,000
473109	01/31/07	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 1.049 MGD	3,000

<sup>1</sup> Data Source: California Integrated Water Quality System (CIWQS)

**ATTACHMENT A (Continued)**

Administrative Civil Liability Complaint No. R7-2008-0018

**Summary of Violations of Board Order No. R7-2003-0096 Mandatory Minimum Penalties**

<b>Assessed Violation No.<sup>1</sup></b>	<b>Date Occurred</b>	<b>Description of Violation</b>	<b>Amount Assessed Dollars (\$)</b>
494086	02/28/07	Exceeded Average Monthly Effluent Limit of 274 lbs/day for BOD <sub>5</sub> Reported value = 291 lbs/day	3,000
494087	02/28/07	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.982 MGD	3,000
496709	03/31/07	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 1.026 MGD	3,000
496710	03/31/07	Exceeded Average Monthly Effluent Limit of 274 lbs/day for BOD <sub>5</sub> Reported value = 290 lbs/day	3,000
530926	04/30/07	Exceeded Average Monthly Flow Limit of 0.73 MGD Reported value = 0.889 MGD	3,000

**Total Accrued Mandatory Minimum Penalty:**

**\$78,000**

<sup>1</sup> Data Source: California Integrated Water Quality System (CIWQS)